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TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

Date: 11/24/04

11/29
10

To: Don Johnson

From: Engineering Department
Bruce M. Stamski, P.E., Town Engineer/Director of Public Works

Subject: Commuter Parking Lot - Expansion alternatives

Don,

The Engineering Department has explored expansion opportunities at the Commuter Parking Facilities. We have discussed the site's expansion capabilities and permitting that will be needed with The Director of Natural Resources, Town Planner and The Building Commissioner. Two plans for expansion are attached for your review along with a plan showing the existing parking lot. The first plan increases the parking facility from 268 spaces to 337 spaces. The second plan increases the parking spaces to 385 spaces.

Both plans need approval by the Conservation Commission under the Wetlands Protection Bylaw. The Director of Natural Resources determined the edge of wetlands at the site and reviewed the requirements of the Bylaw with me. As you are aware, the Bylaw has a 75 foot setback from wetlands to driveways, roadways and structures (Section F8.3). However this section allows for construction closer than the setbacks required for pre-existing activities.

"Pre-existing activities or structures not meeting the setbacks set forth above need not be discontinued or removed (but shall be deemed to be nonconforming). No new activity shall be commenced and no new structure shall be located closer to the edge of wetlands or vernal pools than existing non-conforming like activities or structures, but the Commission may permit new activity or structures as close to the edge of wetlands or vernal pools if it finds that such activity or structure will not affect the interests protected by the Bylaw no more adversely than the existing structure or activity."

The existing parking facility is 10 feet off the wetland. As such, with proper protections and upgrades in the existing lot the Conservation Commission **may** permit the expansion if the expansion is no closer than 10 feet to the wetlands.

Additionally the Conservation Commission may permit waivers to the bylaw (Section F4.6)

"Strict compliance with this Bylaw may be waived when, in the judgment of the Conservation Commission, such action is in the public interest and is consistent with the intent and purpose of the Bylaw. Any request for a waiver must be submitted to the Commission in writing. The waiver shall be presented at the time of filing along with written justification stating why a waiver is desired or needed, is in the public benefit, and is consistent with the intent and purpose of the Bylaw."

This is a second section under which the Commission may approve the expansion **if** the Public Benefit is clearly demonstrated.

2.

The second plan presented herein requires approval of the Conservation Commission **and** some **“Housekeeping”** changes to the Zoning Bylaw for the South Acton Village District. The Commuter lot is in the South Acton Village District. The Zoning as presently written inadvertently imposes parking standards written for large office parks such as parking cells on the Village District. The Town Planner believes this interpretation was not the intent of the Village Zone parking standards and that it should be modified to reflect the intent of the Master Plan and the South Acton Village Plan.

The Building Commissioner determined that both plans would need to be reviewed by his office for zoning compliance and ADA compliance; however no public hearing would be required. The Commissioner thought that the increase in parking spaces may trigger a threshold requiring improved handicapped accessibility to the trains themselves. He suggests a review of our agreement with the MBTA to determine who would be responsible for such improvements as they could be expensive.

With the above in mind it may possible to expand the existing parking facility by more than 100 spaces.

Sincerely,

Bruce M. Stamski, P.E.
Town Engineer/Director of Public Works

C
Tom Tidman
Roland Bartl
Garry Rhodes

Attachments